THE HON'BLE SRI JUSTICE C.V.RAMULU

W.P.No.22132 of 2005

ORDER:

The only controversy that arises in this writ petition is whether the first respondent-Superintending Engineer is empowered to pass the impugned order recognising the sixth respondent as President of the petitioner society for the purpose of execution of certain schemes.

There is no necessity of going into all the details. It is suffice to notice the letter dated 4.6.2005 addressed by the fifth respondent to the first respondent, which is extracted hereunder:

> "Letter No.G-1/413/dated 4.6.2005.
>
> Sub: Registration and Stamps Department, Office of Registrar,
> Narasraopet – Society's Registration Act –Society No.131/
> 2003 – furnishing of particulars - Reg.
>
> Ref: Letter No.DB/ATO-7/W-144-7/656 M dated 4.6.2005 of S.E. Lingamgutla, NSRCO & M Circle, Lingamgutla, Narasaraopet.
>
> In reply to the above reference letter, I submit the following particulars:
>
> On 3-3-2003, Chandra Lift Irrigation Society, Konuru 131/2003 is registered. The society is registered with 9 Executive Committee Members.
>
> President : Gollamudi Purnachandra Rao S/o Narsimha Rao, Konuru, Achampet mandal, Guntur district.
> Secretary : Bodepudi Hanmanth Rao S/o Venkaiah, Konuru.
> Treasurer : Talluri Lakshminarayana S/o Pullaiah, Konuru.
> Member : Paladugu Pamulu S/o Kotaiah, Konuru.
> Member : Smt.Talluri Buchamma W/o Hanmanth Rao, Konuru.
> Member : Pasupuleti Srinivasa Rao S/o Raghavaiah, Konuru.
> Member : Guntupalli Srinvias Rao S/o Jagannadham, Konuru
> Member : Garapati Nanaiah, Konuru
> Member : Muvva Naga Malleswara Rao S/o Mallaiah, Konuru

From that date till 1.1.2005 no minutes of the society is filed.

As per the Resolution dated 2.1.2005, 8 Office Bearers were elected in the meeting of the 9 Executive Committee Members. The Minutes were filed by this office on 12.1.2005. The true copies of the Resolutions were submitted by Pasupuleti Srinivasa Rao in his capacity as President.

President : Pasupuleti Srinivas Rao S/o Raghaviaha, Konuru.
President : Garapati Nanaiah, Konuru.
Secretary : Bodepudi Hanumantha Rao S/o Venkaiah, Konuru
Joint Secy: Smt.Talluri Buchamma W/o Hanumantha Rao, Konuru.
Treasurer : Talluri Lakshminarayana S/o Pullaiah, Konuru.
Member : Guntupally Srinivasa Rao S/o Jagannadham, Konuru.
Member : Paladugu Pamulu S/o Kotaiah, Konuru.
Member : Muvva Nagamalleshwara Rao S/o Mallaiah, Konuru.

Subsequently another Minutes were filed by Gollamudi Purna Chandra Rao with new office bearers with Gollamudi Purna Chandra Rao as President. The particulars are given below.

On 13.2.2005, 9 Executive Members were elected in the Meeting with 272 members. Sri G.Purna Chandra Rao filed the Resolutions on 21.2.2005 declaring him as President.

President : Gollamudi Purna Chandra Rao S/o Narsimha Rao
Vice President: Bodipudi Kotaiah S/o Tirupathaiah
Secretary : Vasireddy Venkat Rao S/o Subba Rao
Joint Secretary: Garapati Nanaiah S/o Guravaiah
Treasurer : Muvva Nagamalleshwara Rao S/o Mallaiah
Member : Matsa Ramesh S/o Chinna Venkata Ramaiah
Member : Chintapalli Sambaiah S/o Venkaiah
Member : Matsa Venkateswarlu S/o Hanumaiah

In the abovementioned manner, 2 different Managing Committees are continuing. The same is furnished to you for information."

From the above, it can be seen that on 3.3.2003, petitioner was registered was registered as per the Societies Registration Act with (9)

Executive Committee Members and since then till 1.1.2005, no minutes of the society were available. Further, as per resolution dated 2.1.2005, (8) office bearers were elected in the meeting of the (9) Executive Committee Members. Subsequently Gollamudi Purna Chandra Rao filed another minutes with new office bearers showing himself as President. Thereafter on 13.2.2005, (9) Executive Committee Members were elected in the meeting with 272 members. G.Purna Chandra Rao filed resolution on 21.2.2005 declaring him as President. It is stated that in the abovementioned manner, two different managing committees are continuing and the said information was passed on to the first respondent. Some how, the first respondent has taken a decision under the impugned proceedings recognising sixth respondent as President of the petitioner society for the purpose of execution of certain schemes.

As seen from the above, as per the report of the fifth respondent, two committees are functioning. The first respondent cannot decide which committee is functioning legally and which committee is functioning illegally in the absence of dispute being resolved by the competent authority under the Act. According to the petitioner, one G.Purna Chandra Rao is the President of the society and is functioning as of now. If that is so, the first respondent could have issued notice to the said G.Purna Chandra Rao for the purpose of implementing certain schemes and instead, passed the impugned order recognising sixth respondent as President of the petitioner society by replacing G.Purna Chandra Rao. Such a course of action is not available to the first respondent. The first respondent should have asked the sixth respondent to get an authenticated certificate from the appropriate authority that he is the elected President of the petitioner society. The first respondent cannot decide these matters on his own and take sides in the teeth of the report of the fifth respondent. Therefore, the

impugned order is liable to be set aside.

In the result, the writ petition is allowed and the impugned order is set aside. However, this will not prevent the authorities from approaching appropriate authority under law and prove their case that the sixth respondent is the legally elected President of the petitioner society. No order as to costs.

C.V.RAMULU, J

Date: 24.8.2006

DA

THE HON'BLE SRI JUSTICE C.V.RAMULU

24.8.2006

IN THE HIGH COURT OF JUDICATURE OF ANDHRA PRADESH AT HYDERABAD

THE HON'BLE SRI JUSTICE C.V.RAMULU

W.P.No.22132 of 2005

Dated: 24th August, 2006

Between:

Chandra Lift Irrigation Society,
Konuru village, Atchampeta mandal,
Guntur district, rep. by its Secretary V.Venkata Rao.

.. Petitioner

and

The Superintending Engineer,
NSRC O&M Circle, Lingamguntla,
Narasraopeta, Guntur district & others.

.. Respondents